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AUG 18 2004
OFFICIAL

To: U.S. Patent and Trademark Office
 Office of Petitions

Facsimile: (703) 872-9306

From: Brenda J. Wallach, Ph.D.

Date: August 18, 2004

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Comments:

Attorney Docket: 30062-20054.00
 Group Art Unit: 1636
 Examiner: T. McKelvey
 Serial No.: 09/847,526
 Filing Date: May 1, 2001
 Inventor(s): Daniel SANTI et al.
 Title: OVERPRODUCTION HOSTS FOR BIOSYNTHESIS OF POLYKETIDES

Papers attached:

1. Petition to Withdraw Application From Issue (2 pages)
2. Transmittal (1 page)
3. Fee Transmittal (1 page + duplicate)

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SD-215203

PTO/SB/21 (02-04)

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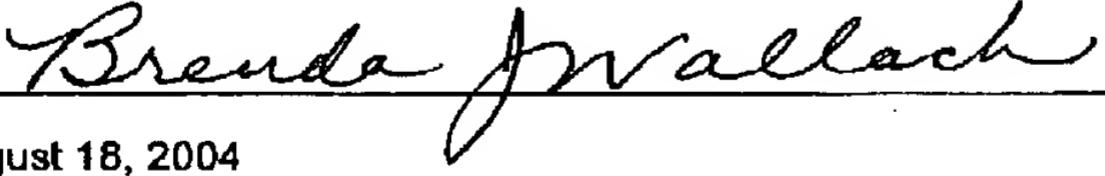
(to be used for all correspondence after initial filing)

		Application Number	09/847,526
		Filing Date	May 1, 2001
		First Named Inventor	Daniel SANTI
		Art Unit	1636
		Examiner Name	T. McKelvey
Total Number of Pages in This Submission	6	Attorney Docket Number	300622005400

ENCLOSURES (Check all that apply)

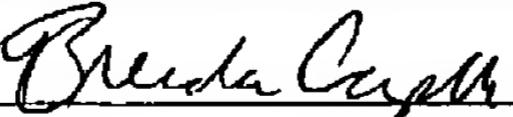
<input checked="" type="checkbox"/> Fee Transmittal Form (1 p. + dup) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet (1 page)
<input type="checkbox"/> Remarks Customer No. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193
Signature	
Date	August 18, 2004

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Dated: August 18, 2004

Signature:  (Brenda Campbell)

sd-215459

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Attorney Docket No. 300622005400

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3** =			
Multiple Dependent				

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

Complete if Known					
Application Number					09/847,526
Filing Date					May 1, 2001
First Named Inventor					Daniel SANTI
Examiner Name					T. McKelvey
Art Unit					1636
Attorney Docket No.					300622005400

FEE CALCULATION (continued)					
3. ADDITIONAL FEES					
Large Entity					Small Entity
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1062	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2603	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 130.00)

(Complete if applicable)					
Name (Print/Type)	Brenda J. Wallach	Registration No. (Attorney/Agent)	45,193	Telephone	(858) 720-7961
Signature	<i>Brenda J. Wallach</i>			Date	August 18, 2004

sd-215199

**Duplicate Copy
For Fee Processing**

PTO/SB/17 (10-03)

Approved for use through 7/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete If Known

Application Number	09/847,526
Filing Date	May 1, 2001
First Named Inventor	Daniel SANTI
Examiner Name	T. McKelvey
Art Unit	1636
Attorney Docket No.	300622005400

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number **03-1952**

Deposit Account Name **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

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Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee

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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
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1252	420	2252	210	Extension for reply within second month	
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1254	1,480	2254	740	Extension for reply within fourth month	
1265	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1808	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.128(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

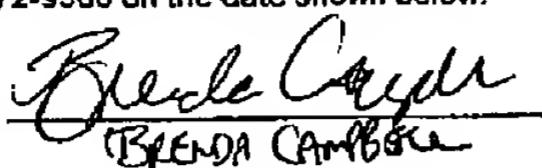
SUBMITTED BY					
(Complete if applicable)					
Name (Print/Type)	Brenda J. Wallach	Registration No. (Attorney/Agent)	45,193	Telephone	(858) 720-7961
Signature	<i>Brenda J. Wallach</i>			Date	August 18, 2004

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Dated: August 18, 2004

Signature:



BRENDA CAMPBELL

Docket No.: 300622005400

(PATENT)

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AUG 18 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
 Daniel SANTI et al.

Application No.: 09/847,526

Filed: May 1, 2001

For: OVERPRODUCTION HOSTS FOR
 BIOSYNTHESIS OF POLYKETIDES

Allowed: March 31, 2004

Confirmation No.: 4025

Art Unit: 1636

Examiner: T. McKelvey

OFFICIAL

PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR §1.313(c)(2)

Office of Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. Claims 5 and 6 were found to contain allowable subject matter. The Issue Fee in this application was timely paid on June 29, 2004.

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a Request for Continued Examination and a Supplemental Information Disclosure Statement, both of which were filed on August 9, 2004.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h).

SD-215175

Application No.: 09/602,725

2

Docket No.: 300622000203

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Order No. 300622005400.

Dated: August 18, 2004

Respectfully submitted,

By Brenda J. Wallach
Brenda J. Wallach, Ph.D.

Registration No.: 45,193
MORRISON & FOERSTER LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130
(858) 720-7961

sd-215175